THE BOMBAY SPECIAL TRIBUNAL (CONTINUANCE) ACT, 1946.

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BOMBAY ACT No. XXI OF 1946.[1]

[THE BOMBAY SPECIAL TRIBUNAL (CONTINUANCE) ACT, 1946.]

[*30th September 1946.*]

An Act to provide for the continuance of jurisdiction and powers in respect of certain Bombay cases pending before the Second Special Tribunal at Lahore constituted under the Criminal Law Amendment Ordinance, 1943.

Ordinance No. XXIX of 1943.

WHEREAS by a notification of the Central Government under section 3 of the Criminal Law Amendment Ordinance, 1943, a Special Tribunal known as the Second Special Tribunal at Lahore was constituted, and by a notification under section 5 thereof, the two cases specified in the Schedule to this Act were allotted to it for trial;

AND WHEREAS the said cases would, but for the promulgation of the said Ordinance and the issue of the said notifications, have been triable by a court in the Province of Bombay;

AND WHEREAS upon the expiration of a period of six months after the Proclamation of Emergency in force at the commencement of the said Ordinance has ceased to operate, doubts may arise as to the competency of the said Tribunal to continue to function and dispose of the said cases in the event of their not being disposed of before the expiration of the said period;

AND WHEREAS it is necessary that the said Tribunal should so continue to function and dispose of the said cases:

IT IS HEREBY enacted as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Bombay Special Tribunal (Continuance) Act, 1946.

(*2*) It shall come in o force on the 1st day of October 1946.

Definitions.

2. In this Act,—

Ordinance No. XXIX of 1943.

(*a*) "the Ordinance" means the Criminal Law Amendment Ordinance, 1943;

(*b*) "the Tribunal" means the Special Tribunal known as the Second Special Tribunal at Lahore constituted by notification of the Central Government under section 3 of the Ordinance.

Tribunal's jurisdiction to try Bombay cases.

3. (*1*) The Tribunal shall have jurisdiction to try the cases specified in the Schedule to this Act as if it had been constituted by an Act of the Provincial Legislature.

(*2*) All provisions of the Ordinance, except sections 1 and 3 and sub-section (*1*) of section 5, shall continue in force and, so far as may be, apply in relation to the Tribunal and the cases aforesaid, subject to the modification that the powers of the Central Government under sub-section (*3*) of section 4 and section 11 shall, as from the commencement of this Act, be powers of the Provincial Government.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1946, Pt. V, page 214; for Proceedings in Assembly, *see* Bombay Legislative Assembly Debates, 1946, Vol. IX: and for Proceedings in Council, *see* Bombay Legislative Council Debates, 1946, Vol. X.

(*3*) The Tribunal shall sit at Bombay :

Provided that the Provincial Government may direct that the Tribunal shall sit at any other place in the Province of Bombay.

(*4*) All notifications issued, and all appointments and all rules made, by the Central Government under section 3, sub-section (*3*) of section 4 and section 11, respectively, of the Ordinance shall, so far as they apply to the Tribunal, continue in force until superseded or modified by the Provincial Government under this Act.

(*5*) For the avoidance of doubt it is hereby declared that all proceedings had before, and all orders issued by, the Tribunal under the Ordinance before the commencement of this Act shall continue to have effect, and it shall not be necessary for the Tribunal to recommence any of the said proceedings or re-issue any of the said orders.

SCHEDULE.

[*See* section 3 (*1*).]

Serial No.	Name of the accused person or persons.	Offences charged against the accused.
1.	(1) Juggilal Kamlapat Gas Plant Manufacturing Company Ltd., Rampur, through Kailashpat Singhania, Kamla Tower, Cawnpore. (2) Juggilal Kamlapat (Rampur) Ltd., through Kailashpat Singhania, Kamla Tower, Cawnpore. (3) Kailashpat Singhania, Kamla Tower, Cawnpore. (4) B. B. Mathur, Bandi Bilas, Arya Nagar, Cawnpore. (5) S. K. Seth, Manager, Juggilal Kamlapat Gas Plant Manufacturing Company (Rampur) Ltd., Kamla Tower, Cawnpore.	Rule 81 (4) of the Defence of India Rules read with Clause 2 of the Iron and Steel (Movement by Rail) Order, 1942.
2.	(1) Juggilal Kamlapat Gas Plant Manufacturing Company Ltd., Rampur, through Kailashpat Singhania, Kamla Tower, Cawnpore. (2) Juggilal Kamlapat (Rampur) Ltd., through Kailashpat Singhania, Kamla Tower, Cawnpore. (3) Kailashpat Singhania, Kamla Tower, Cawnpore. (4) B. B. Mathur, Bandi Bilas, Arya Nagar, Cawnpore. (5) S. K. Seth, Manager, Juggilal Kamlapat Gas Plant Manufacturing Company (Rampur) Ltd., Kamla Tower, Cawnpore.	Rule 81 (4) of the Defence of India Rules read with Clauses 5 and 8 of the Iron and Steel (Control of Production and Distribution) Order, 1941.